IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5258 OF 2007

Colin Douglas Hoogewere ..... ....Petitioner.
V/s
Oriental Insurance Co. Ltd. & Anr..... ....Respondents.

Mr.P.S.Dani, Adv. For the petitioner.

Mr.Vikas Warerkar i/by M/s.Warerkar & Warerkar for respondent Nos.1 and 2.

**CORAM: A.P.DESHPANDE, J.**
27/7/07

PC:

The present petitioner is already defending proceedings under the Public Premises Eviction of Unauthorized Occupants Act, 1971 (the "Act") as an occupant of the premises. One Smt.Iris Honey was the tenant and the case of the respondent-Insurance company is that the present petitioner was illegally inducted in the premises by the tenant. The proceedings are initiated under the said act against the tenant so also the present petitioner-occupant. Iris Honey expired during the pendency of proceedings on 21.5.06 and thus the present petitioner moved an application to bring his name on record as legal representative of the deceased. The rejection of the said application has given rise to the present writ petition. The relationship of the petitioner with the deceased has not been clearly spelt out even in this petition, when the

application itself was rejected on the grant that the petitioner had not placed on record any material in support of relationship. As the petitioner is already defending the proceedings as occupant no prejudice will be caused if the petitioner is not brought on record as legal representative of the deceased. Perused the order. Same does not call for interference. Thus writ petition stands summarily dismissed. If and in case some other legal representative of Iris Honey is brought on record it shall be open for the petitioner to take up appropriate proceedings before appropriate Forum to litigate the rights.

27.7.07